
PLANNING COMMISSION MINUTES

Meeting of July 28, 2016

City Hall Council Chambers * 290 North 100 West Logan, UT 84321 * www.loganutah.org

Minutes of the meeting for the Logan City Planning Commission convened in regular session on Thursday, July 28, 2016. Chairman Davis called the meeting to order at 5:30 p.m.

Planning Commissioners Present: David Butterfield, Amanda Davis, Dave Newman, Tony Nielson, Eduardo Ortiz, Russ Price, Sara Sinclair

Staff Present: Mike DeSimone, Amber Pollan, Craig Carlston, Bill Young, Paul Taylor, Debbie Zilles

Minutes as written and recorded from the July 14, 2016 meeting were reviewed. Commissioner Nielson moved that the minutes be approved as submitted. Commissioner Price seconded the motion. The motion was unanimously approved.

Craig Carlston, the Assistant City Attorney, reviewed the Commission bylaws regarding ethical conduct and conflicts of interest.

PUBLIC HEARING

PC 16-032 Berntson Estates – **continued from July 14, 2016** [Subdivision Permit] Nate Brockbank/Berntson LLC, authorized agent/owner, request a 108-lot subdivision on 29.57 acres located at 1200 East 1400 North in the Neighborhood Residential (NR-6) zone; TIN 05-011-0006.

STAFF: Ms. Pollan reviewed the request for a 108-lot subdivision containing both single-family residential and commercial building lots. The majority of the property is located south of 1400 North and east of 1200 East and formerly used as a gravel pit. This area is proposed as 105 single-family building lots ranging from 5,676 to 29,630 SF in size. The area north of 1400 North is being proposed as three (3) commercial building lots ranging from 39,989 to 55,249 SF.

The residential portion of the proposed subdivision is at a density of 4.01 units per acre. Some lots proposed are shown below the minimum 6,000 SF lot size requirements in the Land Development Code (LDC) 17.15.070. The lot widths are typically at the LDC minimum of 60'. The commercial sections do not require minimum lot sizes or frontages, only overall lot coverage, parking lots and landscaping percentages. When a commercial building is proposed in the future, as per the Design Review Permit process, these site development standards will be reviewed for compliance with the Land Development Code. For a commercial subdivision permit to be approved, access and overall layout need to be reviewed and considered.

PROPONENT: Paul Watson, the project engineer, explained that they are trying to hold to the letter of the law for this zone and are not trying to get away from any of the requirements. The plans have been drawn with 60' roads and lots less than 6,000 SF can be adjusted as necessary as this is a concept plan. The roads emptying onto 1200 East and 1400 North will be changed from 60-66' and lots will be adjusted accordingly to meet the requirements. A geo-tech study has been completed and they are confident that the slopes will be able to handle the proposed development. He believes some of the slope issues are a result of the previous gravel pit operation. The overall project averages 4 units/acre, which is well within compliance with the NR-6 zone.

PUBLIC: Numerous emails were received and distributed to the Commission prior to the meeting and have been included in the project file.

Marsha Peterson, 1376 Boxwood Drive, has been involved in the development of this area for over 25 years. In researching this particular property she noted from the March 6, 2012 City Council meeting the request to “*zone the property back to the way it was*” was approved (Ord. 12-18). The Single-Family Traditional (SFT) zone, which is what it had been, required 8,000 SF minimum lots. At the June 5, 2012 City Council meeting, adoption of the Citywide Zoning map was approved (Ord. 12-39). Mr. DeSimone had stated “*In order to move beyond the complaints and lack of public awareness, staff decided to adopt a new zoning map through an extensive and transparent public process that included mass mailings, advertisements, radio, public notices, email, neighborhood meetings, Planning Commission workshops and eventually City Council workshops and hearings*”. At the September 3, 2013 meeting Mr. DeSimone addressed the City Council (Ord. 13-70) and stated “*The amendments center around the replacement of the current system of Neighborhood Residential Core (NRC), Outer Core (NROC), Center Street (NRCS), Eastside (NRE), and Westside (NRW), which are essentially identical, with a more traditional or typical zoning scheme of NR-2, NR-4 and NR-6.*” At that point in time this area became NR-6, when just 18 months prior it had been changed back to NR-4. Mr. DeSimone explained that SFT did not exist in 2012. In 2011 the City created the geographical NR nomenclature and the minimum lot sizes became 6,000 SF. Ms. Peterson said if the City Council had a chance to decide between NR-6 and NR-4 the decision may have been quite different. Mr. DeSimone said that the NR-4 zone was created and adopted in 2013. Ms. Peterson said she believes the proposed lots are too small for the area.

Cindy Humphreys, 1432 North 1400 East, asked what size the majority of the lots would be. Ms. Pollan said she did not know. Ms. Humphreys said averages can be misleading and thinks most of the proposed lots will be 6,000 SF. There is a lot of land on the outside borders and the south side seems to be quite crowded and does not fit with the rest of the neighborhood. She said the slopes were not created; other than her neighbors who pushed soil out for a walkout basement, it is natural topography. She is concerned about her back yard being compromised with digging in the area.

Jeannie Simmonds, current member of the City Council, expressed concern regarding maintenance and upkeep of the buffers, trees and central sprinkler system. Ms. Pollan confirmed that there will be a 4’ planned sidewalk along 1400 North with an 8’ park strip (80’ right-of-way) and a sidewalk along 1200 East. Ms. Simmonds said that in the 40 years she has lived in Logan she does not remember that location ever being used for gravel excavation – only storage. She believes the contours of the land are probably natural.

Morris Poole, 55 Bristol Road, is concerned with spending \$30 million on re-doing Logan High School and now allowing 6,000 SF lots which will only allow for “starter homes”. He would like to see the City entice long-term families. The south end of Hillcrest has become mostly rentals. It should not come down to “what the book says” because it can be “read two different ways”.

Stan Kane, 1392 North 1400 East, purchased his lot when the zone was R-1. When Ms. Hancey asked for her property to be rezoned back to single-family residential, she was assured that it would be returned to the same quality as the neighboring homes. He does not understand how it was zoned NR-E then downsized from 8,000 SF to 6,000 SF lots and renamed NR-6. Mr. DeSimone explained that the City Council adopted the new zoning in 2011 with minimum lot sizes of 6,000 SF. Chairman Davis noted that the zoning history had already been outlined. Mr. Kane said the change was made despite reassurances given to Ms. Hancey. The Commission needs to do something other than “rubber stamp Staff’s recommendation which meets the prescriptive minimum”.

Lisa Hopkins, 1428 East 1300 North, representing Logan City School District Board of Education, encouraged larger lots to attract long-term families. This is one of the last few buildable areas in the City.

Craig McAllister, 1384 Boxwood Circle, said the numbers and pictures he submitted “speak 1,000 words”. There are alternatives which could benefit all parties involved, both aesthetically and economically. The nature of this proposal will not bring in the type and caliber of people they are hoping to attract.

Nathan Brockbank, the potential buyer of the property said he would like to continue this project and meet with representatives of the neighborhood and discuss concerns. Chairman Davis said that public should be given an opportunity to speak, however, did agree that a meeting between the proponent and residents was a good idea.

Jack Peterson, 1376 Boxwood Circle, appreciates the Commission for reading the comments that were submitted and the questions and concerns that have been expressed. In 2012 he represented Ms. Hancey to get the property rezoned back to single-family (NR-4 equivalent). When neighbors found out that the area was NR-6 there were many questions and concerns. He believes the proposed lots are too small and should have a 16’ buffer, similar to what the Quayle Meadows Subdivision (PC 16-034) is proposing. He gave an example of his niece who is looking for a lot to build a home and she said the lots in this proposal are too small for consideration.

Eileen Clarke, 80 Bristol Road, has been a resident for 26 years and owns .75 acres. At 6 units/acre she cannot image four more structures on her lot. She says the area on the west side of town, off of 1400 North, has been inundated with apartments and townhomes along the street and is a mess. When her home was built there was a 30’ setback. Ms. Pollan said the standard is currently 25’.

Andrea Nye, 1510 North 1350 East, is thrilled that this area is being developed and is not against young families or single-family homes. She would like to see what type of homes are proposed and implored the Commission to consider the affect the area will have on the school system. Because the property is close to the University, smaller homes will easily turn into rentals. She asked what areas in the City are currently developed at 6 units/acre. Chairman Davis pointed out that there are several areas in the historic district, the island and the west side built at this density.

Andy Corbett, 1426 East 1425 North, echoed what has been said. Logan schools have pleaded for more long-term families. If this project is developed and approved “by the book”, it will only benefit the developer, who is not part of this community. There are more rentals in Logan City than family-owned homes and he does not want this area become a transient neighborhood.

COMMISSION: Commissioner Nielson recused himself from the discussion and vote on this project.

Ms. Pollan confirmed for Commissioner Newman that the 10’ landscape buffer would be taken out of the square footage of the lots.

Commissioner Sinclair asked about the size of the roads and whether that would have an effect on the lot sizes. Ms. Pollan explained that those issues can be resolved during the engineering process. If the Commission has concerns that changes would significantly impact the layout and/or buildability of the project, the applicant can make the modifications and bring the plan back for review.

Commissioner Sinclair asked about the statement “*compatible with surrounding land uses*” and noted that the proposed lots are smaller than those surrounding the project. Ms. Pollan explained that compatibility has to do with the land use; this is proposed for single-family residential development.

Commissioner Butterfield asked for an explanation of the zoning process when the area was changed from NRE (Neighborhood Residential – East) to NR-6 in 2013. Ms. Pollan said that originally areas were coded by geographic locations (north, east, west, south, core and outer core); however it was decided that zoning would be addressed more specifically through neighborhood plans.

Commissioner Butterfield asked if this specific area had been changed to a higher density. Chairman Davis explained that the process only changed the nomenclature of the zones based on a numerical system (NR-2, NR-4, NR-6) rather than geographical areas. The density and lot sizes were not changed, only the name(s) of the zone.

Commissioner Newman said it appears as if the average of this project works out be 4.1 units/acre, however questioned whether the lots along the east edge were buildable. Ms. Pollan advised that they are indicated on the site plan as buildable and are not being considered as open space. The larger lots have some sloped areas, which are part of the geo-tech study and may be identified as non-buildable areas on the final plat.

Commissioner Butterfield asked why there are not requirements for open space in the NR-6 zone. Ms. Pollan explained that impact fees are assessed for parks and recreation. The Parks & Recreation Master Plan considers the entire City in terms of necessary park/open space areas.

Mr. DeSimone, the Community Development Director, pointed out the distinction between density and lot size. The Code requires a minimum lot size of 6,000 SF with a density of 6 units per acre. Ms. Pollan advised that this development averages 7,260 SF per lot.

Commissioner Ortiz asked about any lots below 6,000 SF. Ms. Pollan said all lots will be required to meet the minimum lot size. Commissioner Price suggested adding a condition of approval indicating that all lots will be required to be at least 6,000 SF.

Commissioner Price pointed out that the graphic in the Land Development Code §17.14.020.C.6 illustrates a landscape buffer of 50'. Ms. Pollan explained that relates to the building orientation and referenced LDC §17.14.020.C.3-7a *"Building placement and orientation standards is intended to ensure that new development is pleasant and inviting to pedestrians by placing buildings closer to the street and by making primary building entrances more visually prominent and easily accessible. In cases where it is not practical to orient buildings to streets, the intent of these standards is to use a combination of setbacks and low-level screening to soften the visual impact of side or rear facing facades and to create street frontages that are inviting and pleasant for residents and passerby."*

Commissioner Price noted that the intent of the language is to move buildings closer to streetscape, which is opposite of what is being done on this project because of the decision not to orient homes along the major roads. One alternative could be to put in a secondary street. When a decision to put up fences is made, streets become less safe. The least desirable option would be to allow for a landscape buffer and he does not see a particular reason why the minimum width would be different from what is shown on the graphic. He does not like the idea of orienting homes away from streets. Making streets more walkable could be an offset. Mr. DeSimone explained that the initial submittal had homes facing the street, however, it was determined that it was not safe to have vehicles backing out onto such busy roadways (1400 North 1200 East) so the orientation of the homes was changed. Commission Price said that would be a good reason to use a secondary street.

Commissioner Price asked about the non-buildable areas on the maps that Craig McAllister provided in his email. Ms. Pollan said there are different sources for mapping; the City uses information that is reconciled by the City Engineering Department.

Commissioner Sinclair said with all the "loose ends" she is concerned about making a recommendation at this point. Chairman Davis agreed that there are several points she is not comfortable approving at this time.

Commissioner Newman noted that the density of the surrounding area seems lower and is concerned about making this development compatible with the adjacent properties. Mr. DeSimone said in the Hillcrest Neighborhood Plan the surrounding area was identified at approximately 8,000 SF sized lots. Ms. Pollan clarified for Commissioner Price that the minimum lot size of the NR-4 zone is 10,000 SF.

Bill Young, the City Engineer, explained that 1200 East requires a 66' right-of-way. The hope is to eventually convert that into a 3-lane road, something similar to what has been done on 1800 North (which may necessitate modifications such as cutting park strips back and eliminating onstreet parking). There is a plan that the communities are working on for 1200 East to eventually extend all the way to Smithfield. On 1400/1500 North there is an 80' right-of-way which has been dedicated and recorded for more amenities to be added (such as striped bike lanes and wider park strips).

Chairman Davis asked about the slope concerns. Mr. Young said the Land Development Code has restrictions related to building on slopes greater than 30% unless approved with a report that could substantiate safe construction. The geo-tech report will be reviewed and each lot can be considered individually.

Commissioner Price asked if it would be possible for a subdivision to be approved if the majority of the area was greater than 30%. Mr. Young said it could be possible if the slope were maintained with a retaining structure; however, it may not be financially feasible.

Commissioner Butterfield said this discussion regarding slope and buildable lots seems to be a mute issue and is not a determination the Commission is qualified to make; as a quasi-judicial body, the consideration is whether or not the project meets the requirements.

Commissioner Newman felt that the question was not the minutiae of development plan, but whether it will be compatible with surrounding area. He suggested tabling the discussion and considering rezoning this area to NR-4. Chairman Davis explained that the zone cannot be changed in the middle of an application request. Commissioner Newman asked if it could be denied and then rezoned. Chairman Davis cautioned the Commission about this legal slippery slope. If the project meets all current requirements it is the obligation of the Commission to approve it, otherwise, the applicant can appeal. Mr. Carlson agreed and cited Utah Municipal Code §10.9a-509 "*...the applicant is entitled to approval of a land use application if it conforms to the ordinances in place*".

The Commission asked the applicant to consider lot size, accurate road widths, setbacks, house orientation (along 1400 North and 1200 East) and resident's concerns regarding density and compatibility.

Commissioner Price pointed out that there is information in the Land Development code regarding non-buildable areas that is in there for a reason. If this issue is taken into account, it could automatically lower the density; he encouraged the developer to take time to review the requirements and the impact(s) they may have on the project. Large landscape buffers can be problematic and should be carefully considered, especially regarding specific language related to maintenance and upkeep responsibilities.

MOTION: Commissioner Newman moved to **continue** discussion to the August 25, 2016 meeting, and encouraged the developer and residents to meet to discuss concerns. Commissioner Sinclair seconded the motion.

Moved: Commissioner Newman Seconded: Commissioner Sinclair **Passed:** 6-0
Yea: A. Davis, D. Butterfield, D. Newman, E. Ortiz, R. Price, S. Sinclair Nay: Abstain: T. Nielson

PC 16-034 Quayle Meadows Subdivision [Subdivision Permit] Roger C. Jones/Dean Quayle, authorized agent/owner, request a 203-lot subdivision of new single-family homes, with a City park, walking trails and a church site on 97.62 acres located in northwest Logan approximately 1800 North to the Logan City boundary and 200-550 West in the Neighborhood Residential (NR) zone; TIN 04-080-0021;-0004;-0005;-0006; 04-079-0013;-0021;-0014;-0016;-0009;-0012;0020.

STAFF: Mr. DeSimone reviewed the request for a 203-lot single-family detached subdivision on 97.62 acres. The site currently is comprised of eleven properties and four different landowners. There are two existing residential structures that are planned to be integrated into the design layout and several agricultural structures that are planned to be demolished. The vast majority of the site was used for agriculture purposes. The site is relatively flat with gradual slopes towards the west.

The surrounding land uses are diverse, ranging from industrial uses on the west beyond the railroad tracks, commercial and agricultural uses on the east, and multi-family housing on the south. The property to the north is located within North Logan City. The landowners of the area to the north have indicated that they intend to leave the 31 acres as open space. The railroad tracks, 1800 North and 200 West form the three boundaries on the west, south and east sides.

The proposal includes residential streets laid out in a grid/radial pattern, a circular central park, a trail system around the perimeter and three open space areas. A 3.75 acre site near the east boundary and shown as lot #37 will be reserved for a future church site. A 16' landscape buffer is shown along the 1800 North street frontage. All proposed lots orient inwards toward internal streets with lots along 200 West and 1800 North, having rear yards adjacent to exterior streets.

PROPONENT: Roger Jones, who owns 37 acres, represented the other owners, Dean Quayle who own 40 acres and Maxiene Orton who owns 21 acres. The desire is for family-sized lots and homes that will benefit Logan City and Logan School District. There are not many opportunities in the City for this need to be met. This area does have a few disadvantages, which is why the homes are proposed to face internally into the development (rather than 1800 North) which will help create a "community feel", as well as separate it from the multi-family area to the south. A 28' landscape buffer along 1800 North and 200 West is proposed (16' is being dedicated by the landowners). A central park and a network of perimeter trails are planned. Commissioner Newman asked who would be responsible for maintenance and snow removal for the trails and buffer. Mr. Jones said the details would be worked out; it could be handled through an HOA or dedicated to the City.

PUBLIC: Jeannie Simmonds is sensitive to the desire to have front facades along major streets; in the past the City has been determined in that objective, however, the intent with this project is to orient homes to the interior streets. Mr. DeSimone explained that the large landscape buffer will help offset this decision. One of the challenges is homes fronting onto 200 West would face the back of car lots. Facing homes internally will be more inviting and appealing. Ms. Simmonds asked if provisions could be added to the Land Development Code (such as having a large buffer in lieu of a street-facing front facade). Mr. DeSimone said the language of the Code can be refined and standards clarified to allow for flexible solutions.

Brent Downs owns 10 acres of property on the east side of 200 West and is concerned about the canal system. He is pleased with the buffer but would like to see the canal piped if possible for safety. He expressed concern for mitigating or compensating landowners whose property may be impacted. Mr. DeSimone pointed out that the canal concern been addressed in the conditions of approval – 11b2 *"Pipe canal along east side of development (along 200 West) and widen 200 West to a 66' right-of-way. All canal improvements will need to be approved in writing by the canal company"*. He also advised that if 200 West is required to be widened, the developer would be required to work with other landowners.

COMMISSION: Commissioner Ortiz asked about restrooms facilities at the park. Mr. DeSimone explained that it is not anticipated, however, the design of the park will go through the Parks & Recreation Department.

A copy of the landscape buffer plan was passed out to the Commission for review.

Mr. DeSimone confirmed for Commissioner Price that the eleven properties have three owners who have worked out an agreement for shared ownership.

Commissioner Price said he would like to see some latitude regarding landscape buffers. 50' may or may not be appropriate in various situations. If there is a request for a change to the requirement, he would like a recommendation regarding the reason be included.

Commissioner Nielson praised the applicants for a very nice development and the complimented the 16' land donation to increase the landscape buffer. Commissioner Ortiz and Chairman Davis agreed.

MOTION: Commissioner Nielson moved to **conditionally approve** a Subdivision Permit as outlined in PC 16-034 with the conditions for approval as listed below. Commissioner Ortiz seconded the motion.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. 203 lots are approved with this subdivision permit.
3. The final plat shall be recorded within one (1) year of this action or comply with LDC §17.58 Expirations and Extensions of Time.
4. Provide 10' public utility easement on all property lines at the bounds of the subdivision and 5' PUE on all other property lines.
5. A phasing plan shall be submitted and approved by the Director of Community Development in accordance to LDC §17.58.010 with subsequent phases recorded within 12 months to avoid subdivision permit expiration.
6. A 16' wide landscape buffer shall be installed along both 1800 North and 200 West where lots have backyards adjacent to exterior streets. The landscaping shall be uniform throughout the entire block and contain at least 50% coverage in plant material and trees at a minimum overall spacing of 40'. Fencing shall be uniform through the entire subdivision perimeter adjacent to streets and placed outside of the 16' wide buffer adjacent to the building lots.
7. The 16' wide landscape buffer shall be installed prior to home construction or incrementally installed by subdivision phase. A subsequent phase shall not be recorded if the landscape buffer is not installed as per the subdivision permit.
8. The landscape buffers shall have automatic irrigation systems for regular watering and maintenance. A written binding agreement shall be submitted to the city detailing landscape buffer responsibility and funding for regular maintenance. A note shall be placed on the final plat referencing the responsibility of the landscape buffer and submitted written agreement.
9. Stormwater retention areas shall be labeled on the final plat as non-buildable stormwater retention facilities.
10. Street trees shall be planted in the park strip of every street at 30' on center. Subsequent subdivision phases shall not be recorded if street trees are not planted or bonded. Species to be approved by the City Forester.
11. Prior to recording of a final plat or issuance of a building permit, the Director of Community Development shall receive a written memorandum from the following departments indicating that their requirement has been satisfied:
 - a. Fire
 - i. Place fire hydrants within 600' of all buildable area of all lots.
 - ii. Roads shall meet Logan City Standards for width and grade.

b. Engineering

- i. Perform a traffic impact study on impacts to roads and intersections around development. This study to be performed by Logan City Public Works and billed to developer.
- ii. Pipe canal along the east side of development (along 200 West) and widen 200 West to a 66' ROW. All canal improvements will need to be approved in writing by the canal company.
- iii. Dedicate right-of-way along 200 West and also along 1800 North support current City project to realign intersection at 1800 North 600 West and associated intersection/railroad crossing improvements.
- iv. Coordinate with North Logan for installation and/or easement needed for future alignment of a new sewer line from North Logan. This is per a proposed alignment previously studied and accepted by both Logan City and North Logan.
- v. Provide water shares or in-lieu-of fee for new development
- vi. Provide City with development agreement prior to plat recordation
- vii. Must comply with new stormwater design criteria including retention of the 90th percentile storm on site and also the implementation of low-impact design concepts.
- viii. Work with City to address potential cross section improvements along 1800 North. This would potentially include a section that matches the road section east of 200 West.

c. Park

- i. Restroom in park is not anticipated.
- ii. If open spaces are to be improved, water and possibly power stub-ins may be required.

d. Water

- i. All water meter setters must have a currently approved DBL check valve.
- ii. All landscape irrigation systems, private or City-owned, from culinary water source must have high-hazard rated backflow protection and be tested.
- iii. During construction all backflow and water sanitation rules must be followed.

FINDINGS FOR APPROVAL

1. The subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because the subdivision meets the minimum requirements of the Land Development Code (LDC).
2. Each lot conforms to LDC Title 17 in terms of lot size and development requirements.
3. Each lot is suitable for development within the NR-6 zone.
4. The project conforms to the requirements of Title 17.47 concerning hearings, procedures, application requirements and plat preparations.
5. The project meets the goals and objectives of the NR-6 zoning designations within the Logan General Plan.
6. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.
7. 1800 North and 200 West provide infrastructure and utilities which are adequate in size to handle anticipated traffic.

Moved: Commissioner Nielson Seconded: Commissioner Ortiz **Passed:** 7-0

Yea: A. Davis, D. Butterfield, D. Newman, T. Nielson, E. Ortiz, R. Price, S. Sinclair Nay: Abstain:

WORKSHOP ITEMS for August 11, 2016

- ✓ PC 16-035 The Family Place Rezone
- ✓ PC 16-036 Rosehill Subdivision Phases 3-4
- ✓ PC 16-037 Miller's Utah Carzz

Meeting adjourned at 8:00 p.m.

Minutes approved as written and digitally recorded for the Logan City Planning Commission meeting of July 28, 2016.

Michael A. DeSimone
Community Development Director

Amanda Davis
Planning Commission Chairman

Russ Holley
Senior Planner

Amber Pollan
Senior Planner

Debbie Zilles
Administrative Assistant